

**Appl. No.** : **10/597,299**  
**Filed** : **August 12, 2008**

## **REMARKS**

By way of summary, claims 1-24 were pending prior to this Response. The outstanding Office Action objects to claims 7-24 as being multiple dependent claims depending from other multiple dependent claims. Claims 3-5 are under rejected under 35 U.S.C. §112 for lack of antecedent basis for “the lumen” in Claim 3. The Office Action rejects Claims 1-3 under 35 U.S.C. §102(b) as anticipated by Bashiri (US 6,165,178). The Office Action rejects Claims 4 and 5 under 35 U.S.C. §103(a) as unpatentable over Bashiri in view of Aganon (US 7,166,122).

In this response, Applicant has claims as listed above and cancelled Claim 24. Claims 1-23 are pending and are respectfully presented for further consideration.

### **I. Claim Amendments**

The claims have been amended to address some formalities in converting PCT claim language to U.S. Patent and Trademark Office compliant form in order to expedite prosecution, and to more clearly define the structure of the subject matter for which protection is sought. The Applicant respectfully submits that each of these amendments is supported by the specification, drawings, or original claim limitations and does not add new matter. The Applicant respectfully submits that the claims as previously pending are patentably distinguished over the cited references or any combination thereof. Accordingly, Applicant reserves the right to pursue the previously unamended claims or claims of broader scope at a later date.

### **II. § 112 Second Paragraph Claim Rejections**

Claim 1 has been amended to provide antecedent basis for “the lumen.” Applicant respectfully requests the withdrawal of the rejection of Claims 3-5 on the basis of 35 U.S.C. §112, second paragraph.

### **III. The pending claims are not anticipated by or unpatentable over Bashiri**

The Office Action rejects Claims 1-3 under 35 U.S.C. §102(b) as anticipated by Bashiri (US 6,165,178). The Office Action rejects Claims 4 and 5 under 35 U.S.C. §103(a) as unpatentable over Bashiri in view of Aganon (US 7,166,122). The outstanding Office Action rejects all pending claims under Bashiri as a single or primary reference.

All pending claims in the present application depend from Claim 1. Amended Claim 1 recites, in part, “wherein said at least one securing means is connected to the distal front section of the at least one occlusion helix with a distal electrically isolating distal adhesion layer.”

Bashiri does not disclose, teach or suggest a “securing means is connected to the distal front section of the at least one occlusion helix with a distal electrically isolating distal adhesion layer.” For at least these reasons, Applicant respectfully requests the withdrawal of the rejection of at Claim 1 as anticipated by Bashiri. Bashiri fails to address every element of at least Claim 1. Claims 2-23 depend from Claim 1 and further define the invention of Claim 1. For at least the reasons set forth above with respect to Claim 1, Applicant respectfully submits that Claims 1-23, are allowable in view of Bashiri.

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bashiri. Claims 4 and 5 depend from Claim 1 and further define the invention of Claim 1. For at least the reasons set forth above with respect to Claim 1, Applicant respectfully submits that Claims 4 and 5 allowable in view of Bashiri. Further, Aganon fails to address the deficiencies of Bashiri. Aganon does not disclose, teach or suggest a “securing means is connected to the distal front section of the at least one occlusion helix with a distal electrically isolating distal adhesion layer.” Aganon at Figs. 7A- 7E and col. 15, ll. 9 – 67 disclose a “conductive filler material 358.”

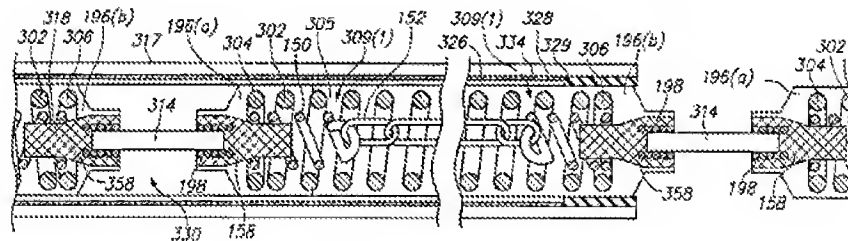


FIG. 7A

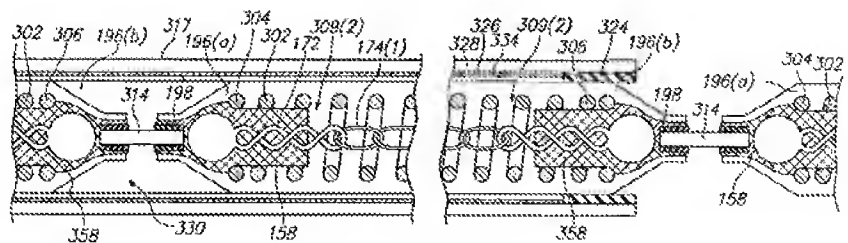


FIG. 7B

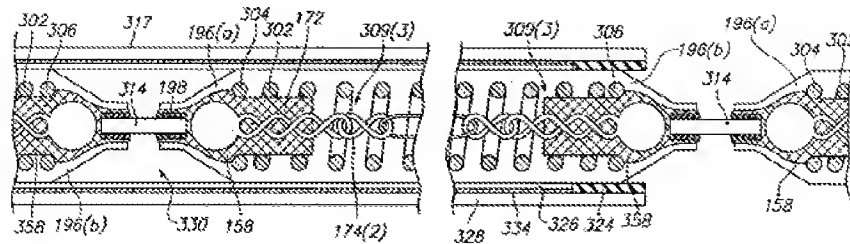


FIG. 7C

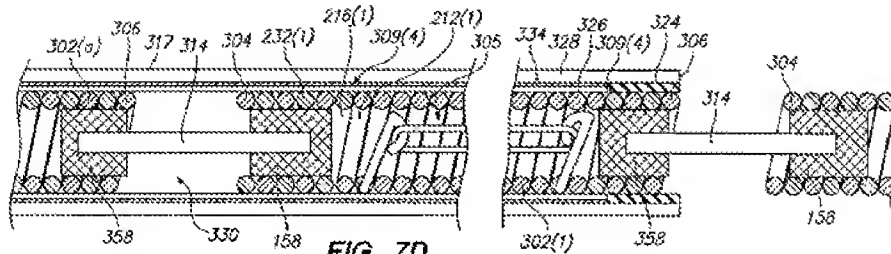


FIG. 7D

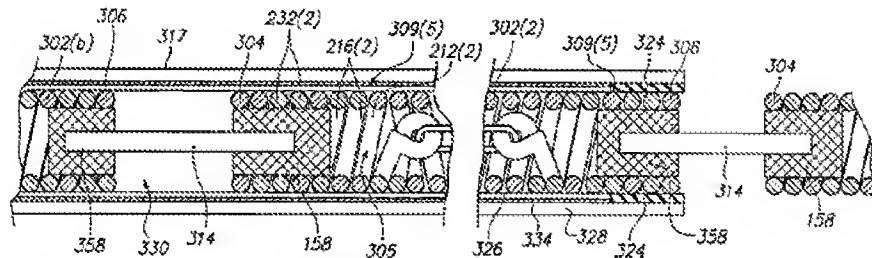


FIG. 7E

Aganon at col. 15 (emphasis added) states:

A conductive filler material 358 is placed in the coil lumen 305 of the distal end 306 of the primary coils 302 for stabilization and to attach the primary coil 302 and anchor assembly 309 to the core wire 314. ...

The proximal ends of the core wires are similarly held within the coil lumens 305 of the distal ends 306 of the primary coils 302(a) and 302(b) with a conductive filler material 358. ...

Proximal of the severable joints 312, the electrically conductive filler material 358 joins the distal ends 306 of the outer coils 302 with the proximal ends of the core wires 314. Preferably, as shown in FIGS. 7A 7C, the conductive filler material 358 surrounds the core wire 314 and is contained within the bushing 196(b) and the lumen 305 of the outer coil 302. The conductive filler material 358 provides an electrical pathway between the core wire 314 and the bushing 196(b) and primary coil 302 so that electrical current is readily transmitted to the severable joint 302. Alternatively, as depicted in FIGS. 7D 7E, where there is no bushing, the conductive filler material 358 provides an electrically conductive pathway between the core wire 314 and the outer coil 302. Preferably, the conductive filler

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material 358 comprises any biocompatible, electrically conductive material, preferably a conductive particle-filled polymer, such as PET with gold flakes, or a suitable metal such as platinum or nitinol, as described in U.S. Pat. No. 5,941,888, the entirety of which has previously been incorporated by reference.

Therefore the conductive filler material 358 is not “a distal electrically isolating distal adhesion layer.” For at least the reasons set forth above, Applicant respectfully submits that Claims 4-5 as well as all Claims 1-23 are allowable in view of Bashiri, Aganon, alone or in combination.

#### No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

#### Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to some co-pending applications of the present application's assignee and some of its related entities:

<b>Serial No.</b>	<b>Title</b>	<b>Filed</b>
11/903,311	DEVICE FOR THE IMPLANTATION OF OCCLUSION SPIRALS	9/21/2007
11/575,796	MICRO-SPIRAL IMPLANTATION DEVICE	12/28/07
11/575,798	MEDICAL IMPLANT	05/01/08
11/134,998	METALLIC COILS ENLACED WITH BIOLOGICAL OR BIODEGRADABLE OR SYNTHETIC POLYMERS OR FIBERS FOR EMBOLIZATION OF A BODY CAVITY	05/23/05

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11/912,901	DEVICE FOR IMPLANTING OCCLUSION SPIRALS COMPRISING AN INTERIOR SECURING ELEMENT	10/29/07
12/038,730	IMPLANT INCLUDING A COIL AND A STRETCH- RESISTANT MEMBER	02/27/08
12/038,737	IMPLANT, A MANDREL, AND A METHOD OF FORMING AN IMPLANT	02/27/08
12/297,419	SYSTEM AND METHOD FOR MECHANICALLY POSITIONING INTRAVASCULAR IMPLANTS	10/16/08

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. Applicant has made a good faith effort to respond to the outstanding Office Action. Applicant respectfully requests that a Notice of Allowance be issued at the earliest opportunity. However, if the Examiner has any questions or concerns, he is invited to telephone Applicant's attorney of record so that extended prosecution of this application may be avoided.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: September 21, 2010

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